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TAGS: [MOPS](#) [MARR](#) [PGOV](#) [PTER](#) [PREL](#) [SY](#) [IZ](#)
SUBJECT: IRAQI NSC DISCUSSES SECURITY AGREEMENT, ELECTION
SECURITY, REGIONAL SECURITY, AND DETAINEES

Classified By: Ambassador Ryan C. Crocker for reasons 1.4 (b) and (d).

¶1. (S) Summary. At the January 11 meeting of the Iraqi National Security Council (NSC), Prime Minister Nouri al-Maliki asked the National Security Advisor (NSA) to assure that the Government of Iraq identified all of its representatives to the various committees and joint sub-committees (JSC) forming under the agreements. Maliki also asked General Odierno about expediting the processing of the files of detainees currently in U.S. custody for release to Iraq, and received assurances that it is being done as rapidly as possible under the procedures established between the USG and GOI. Minister of Foreign Affairs Hoshyar Zebari reported on the Third Neighbors' Border Security Working Group in Damascus, where the GOI had countered a Syrian demand that Iraq not be used as a base for operations directed against targets in Syria with a call for Iraq's neighbors to commit to ending insurgent operations directed at Iraq launched from their territories. On election security, the NSC discussed the threats posed by insurgents receiving support from both Iran and Syria, and GOI coordination efforts to counter them. The meeting concluded with an update on the status of detainees in Iraqi custody. End Summary.

Implementing the Security and Strategic Framework Agreements

¶2. (C) The Prime Minister opened the meeting with a discussion of the status of SA and SFA implementation. He stated that the NSA must name the ministers and other representatives on each of the Agreements' implementing Committees. Minister of the Interior Jawad al-Bulani responded that the NSC had approved the proposed Iraqi Committee and Sub-Committee Co-Chairs, and that this had been forwarded to the Council of Ministers (COM) for final approval. He also said that the ministries not represented on the NSC must be notified about their participation in the implementing bodies. Deputy National Security Advisor (DNSA) Safa'a Rasul responded that the non-NSC ministries had been notified. Bulani stated that he had scheduled a meeting with the concerned ministries on January 15. (Note: probably in reference to the JSCs that will form under the Joint Committee of the SA, which Bulani will co-chair. End note.)

¶3. (C) PM Maliki said the Deputy Prime Ministers had been added to the SFA's Higher Coordinating Committee (HCC) and he noted that four of the JSCs forming under the SA are primarily the responsibility of MOD (Note: the Minister of Defense will co-chair the Joint Military operations Committee (JMOCC) of the SA. End note.), including the temporary JSC for International Zone (IZ) Transition and the JSC for Provincial Security. DNSA Safa'a stated that while MOD and MOI had named their representatives for the JSCs, other ministries had yet to do so. The PM added that the Higher Judicial Council (HJC) needs representation on the Detainee and Jurisdiction JSCs of the SA.

14. (C) Chief Justice Medhat's representative (Medhat was absent) briefed the PM on the current status of efforts to review the files of detainees in U.S. custody. He stated that the GOI had formed a review committee composed of representatives from the Ministry of the Interior (MOI) and the HJC that would review 1500 cases per month. The committee would send those with incriminating files, including information provided by Coalition Forces, to investigating courts for prosecution, while those lacking sufficient evidence for further action would be released. PM Maliki suggested that there should be two review committees, one each in Baghdad and Basra, which together could process as many as 3,000 files per month. Maliki asked if the files so far provided by the Coalition to the MOI and HJC had been turned over, to which Medhat's representative responded, "Not yet." The PM then asked General Odierno if the U.S. had turned over detainee files to more than one ministry. The Commanding General responded that he believes that MNF-I had sent the files to the MOI, MOD, and the HJC, but that he would check on that. (MNF-I comment: The list of 1,500 names had been provided on 23 Dec 08 to the Prime Minister and on 26 Dec 08 to both the MoI and MoD. End comment.)

15. (C) MinInt Bulani stated that the HJC handles detainees, and that there would be an important meeting to discuss this issue on January 15, which representatives from the HJC should attend. Maliki, pointing to a flowchart that illustrated the plan for detainee file processing, stated that he expects the established procedures to be followed.

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Bulani raised the case of a released detainee who subsequently acted as a suicide bomber, to which Maliki, again pointing at the flowchart before him, stated, "We need to work on it." Medhat's representative stated that the review committee has the option to send detainees down to the provinces if provincial governments have incriminating information about them. Maliki said that the detainees' files fall into three categories:

- Those for which there is insufficient or no evidence, who should be released;
- Those for which the U.S. has incriminating evidence, who should be turned over to the judicial system for prosecution;
- Those that the U.S. has detained, but lack sufficient evidence for prosecution, who should be released.

Medhat's representative then raised the issue of those detainees in U.S. custody for whom there is no warrant. The DNSA responded that in many cases where there is no warrant, the U.S. has provided incriminating information which is being translated for use by the Iraqi judicial system.

16. (S) General Odierno stated that the judicial committee had passed on the files of 1500 detainees in U.S. custody for whom there is not enough data to hold them under Iraqi law. The Iraqi system is checking for outstanding warrants and in those cases where none is found, the detainees will be released. When this 1500 is done, the U.S. will provide 1500 more. PM Maliki asked the Commanding General if the process could be expedited, to which General Odierno responded that the U.S. has not received a response on the first 1500 files from the GOI, but MNF-I will be prepared to provide 1500 more names to support the processing of 1500 detainees per month. Maliki then stated that the process will get easier with time as it becomes more routine.

Neighboring Countries Border Security Working Group

17. (S) FM Zebari briefed the PM on the Neighbors' Border Security Working Group held in Damascus. He said that it was well attended, save for the absence of Saudi Arabia. Maliki interjected that Saudi Arabia has a problem with Syria,

accounting for the nonappearance. Zebari stated that there had been many good meetings on issues that included count terrorism, organized crime, smuggling, and extradition. He noted that Iraq's standing among its neighbors and the overall level of commitment had improved since the last conference. Maliki stated that, "now they cannot say that Iraq is weak." Zebari said that continuous cooperation and coordination on joint responsibilities is essential to counter transnational threats.

¶8. (S) Zebari said that Syria had tried to use its position as host to claim that Iraq had violated Syria's sovereignty during a recent raid against terrorists operating out of Syria against Iraq. Maliki asked Zebari if, while acknowledging the cross border raid, he had pointed out that the terrorists were based in Syria. Zebari said that while he had acknowledged the operation, he thought that the Syrian call for a statement condemning the raid was unnecessary. Zebari said that just as Syria asked that Iraq not be used as a base of operations against its neighbors, to which Iraq had agreed, the GOI had put forward the position that neighboring countries not be used as a base for insurgents operating against Iraq. Zebari added that Turkey and Iran need to be included, as he had asserted that other nations must not be included, as he had asserted that other nations must not be used as a base to attack Iraq. Zebari then provided Maliki with the final version of the statement on this issue that the conference attendees had drafted.

¶9. (C) The PM asked Zebari if the conference is still a useful forum or if it is preferable to use bilateral engagements to address these issues. Zebari responded that bilateral meetings would continue, but that the large conferences offer an opportunity to highlight regional issues, and that the support Iraq received from large nations at international conferences strengthened its position in the region. He went on to state that, at times, neighbors prefer to deal with embarrassing issues bilaterally, but that Iraq needs to point out when neighbor's commitments are not met, which is often best done multilaterally. PM Maliki, agreeing with Zebari, said that Iraq should continue to participate in regional conferences in the hope that they will bear fruit, particularly in the areas of intelligence cooperation, security, and counter-terrorism.

Election Security -----

¶10. (S) The Prime Minister received a briefing from General Ayden, the MOI Senior Deputy for Intelligence, on security

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for the upcoming provincial elections. Ayden said that terrorists would attempt to launch attacks in Baghdad, Mosul, and Basra. He expected that special groups would target some candidates, Al Qaeda in Iraq (AQI) would launch attacks before and during the elections, and sleeper cells would emerge outside of the large urban areas to disrupt essential services and discredit GOI governance. Ayden said that both special groups and Baathists would attempt to influence the elections, and that AQI would view successful elections as a strategic defeat. He said that AQI would use a combination of suicide bombers, ethnic divisiveness, controlled candidates, and payments encouraging voters not to vote as part of its campaign to disrupt the elections. AQI had suffered a series of defeats recently, and would need a major incident to demonstrate continuing efficacy. Special groups would likely focus their efforts in Baghdad and Basra, encouraging the devout not to participate, and fomenting chaos where possible. Ayden said that groups based and supported in both Iran and Syria hope to influence the elections, and that low voter participation, would reduce GOI legitimacy.

¶11. (S) Ayden then turned to the question of election security in Kurdistan Regional Government (KRG) areas. He

said that he had spoken with MNC-I LTG Austin and that a committee composed of Iraqi Security Forces (ISF), Coalition, and KRG representatives should coordinate efforts in these areas. Where the demographics are purely Kurdish, the KRG could provide security alone, but in other areas a joint security force would be required. This cooperation had already been achieved in Mosul, and he predicted that it would soon be achieved in Diyala.

¶12. (S) PM Maliki stated that there is an effort in the south to sabotage the election, and that the election committees must continue their work. There had also been reports of problems in Ninewa, Kirkuk, and Anbar. He said that UNAMI could be very helpful in preventing voter fraud, and that Iraq needs clean and fair elections. Minister of Finance Bayan Jabar noted that the elections would receive global scrutiny, and that Iraq's reputation is at stake. He recommended that senior MOD and MOI officials, preferably assigned outside of their home provinces, should monitor the elections. MinInt Bulani said that the GOI must guarantee broad participation in the elections. Following an exchange of views between MOD and MOI representatives on the integration of MOD forces into the overall election security effort, Deputy Prime Minister Barham Salih, who took over as Chair after Maliki departed the meeting, reiterated that all election security efforts must be coordinated by the Iraqi Higher Election Commission, and that the ISF could not operate independently.

Detainee Affairs

¶13. (S) Returning to the subject of detainees, but now with regard to those in Iraqi custody, Medhat's representative provided an update on the status of detainees. Discussion focused on the difficulty that the HJC has encountered getting its release orders carried out, and concerns from MOD that some of those already released are terrorist leaders who quickly returned to their insurgent activities. Following an explanation from MinInt Bulani on why releasing detainees is often more complicated than it might appear, DPM Barham Salih reiterated that in the absence of an arrest warrant or Qreiterated that in the absence of an arrest warrant or incriminating evidence, detainees must be set free.

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